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OFFICE OF PETITIONS

In re Application of	:
Paul Leo Faso	: DECISION ON PETITION
Application No. 09/439,057	: UNDER 37 CFR 1.137(b)
Filed: November 12, 1999	:
Attorney Docket No. 93091.01	:

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 2004, to revive the above-identified application.

The petition is granted.

This application became abandoned for failure to timely reply to the non-final Office action mailed February 12, 2003, which set a three month shortened statutory period for reply. No timely extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is May 13, 2003. A Notice of Abandonment was mailed on August 21, 2003.

The petition satisfies the requirements for a grantable petition in that the reply in the form of an "Amendment and Response," the petition fee of \$665; and the required statement of unintentional delay have been submitted. Accordingly, the reply to the non-final Office action of February 12, 2003 is accepted as having been unintentionally delayed.

The \$475 extension of time fee submitted with the petition is unnecessary since extensions of time cannot be obtained after expiration of the maximum period set for reply. Accordingly, as authorized, the \$475 extension of time fee submitted will be credited to Deposit Account No. 13-3403.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2175.


Frances Hicks

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy